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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,704	01/03/2002	David C. Perich	PTO 2 0013	4124

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EXAMINER

THOMPSON, HUGH B

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/038,704

Applicant(s)

PERICH ET AL.

Examiner

Hugh B. Thompson

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-- Th MAILING DATE of this communication appears n the c ver she t with the correspond nce address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-25 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 8, line 7, “such” should read --said--.

With respect to claim 13, line 6, “with”, should read --with a respective--.

With respect to claim 13, lines 15-18, it is unclear as to how the track is “between” the “three” recited elements. At best, the track portions 52, 54, are either forward or rearward of the roller assembly and “between” the housing pieces.

In claim 15, line 2, “least on” should read --least one--.

With respect to claim 17, lines 11 and 15, it is unclear as to which “threaded engaging portion” the applicants have referred. Note that there is a “threaded engaging portion” defined in the roller housing of claim 13, and another for the threaded fastener in claim 17, line 7.

With respect to claim 21, line 2, the phrase “of the type” is improper and should be removed. Further, the applicants have positively recited the panel members of the sliding panel in lines 8-9.

With respect to claim 24, lines 18-19, it is unclear as to how the path is “defined by at least on groove and rib engagement”. Note that the path has been recited as “including a first

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position” through which the roller assembly protrudes through the aperture. Is the path a part of the corner bracket or the sliding panel or neither?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7-12, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambertz et al #4,030,160. Lambertz et al disclose a corner bracket for a frame assembly comprised of body 1, orthogonal opposed legs 20 (1<sup>st</sup>), 21(2<sup>nd</sup>), an adjustable roller assembly having a roller housing 7, 10, located interior of the leg ends, a threaded member 11, which threadingly receives a threaded fastener 13, a grooved roller element 8, roller housing groove 12, which matingly receives rib/protrusion 6, a body opening 14 through which the head of the fastener protrudes, and aperture 23 through which the roller protrudes.

Claims 13, 14, 16, 18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Burum #3,729,868. Burum discloses a corner bracket assembly comprised of a roller assembly 56, 62, 74, a cavity 58 defined by housing sides 46, 48, which are attached by means of rivets and other types of fasteners/pins as disclosed in column 3, lines 46-55, the fasteners received within bores/receiving pockets of bosses 50, a cutout 54 that allows movement of the roller assembly there through, a threaded fastener 68, which is received in threaded nut 70, orthogonal legs 30, 32, which are received within frames 12 and 14 of panel member 8.

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*Allowable Subject Matter*

Claims 3, 6, 15, 17, 19, and 20 are objected to as being dependent upon base claims 1 and 13, but would be allowable if rewritten in independent form including all of the limitations of claims 1 and 13, any intervening claims, and rewritten to overcome the Section 112 ambiguities as noted above. The primary reason for the allowable subject matter of claim 3 is the inclusion of a roller housing having opposed grooves for engaging opposed grooves of the interior surface of the body or the legs. For claim 6 it is the inclusion of a slot extending from an opening on an end of a leg to another opening on a side surface of the body adjacent the other leg. For claim 15 it is the inclusion of a track having guide members on the roller housing and housing pieces matingly received within grooves on either the roller housing and housing pieces the roller housing and housing pieces. For claim 19 it is the inclusion of the second housing piece having a pair of opposed notches and pair of channel walls, the notches combining with the first housing piece to define recesses within the cavity. The prior art of record fails to teach or suggest the claimed features absent the applicants' own disclosure.

*Conclusion*

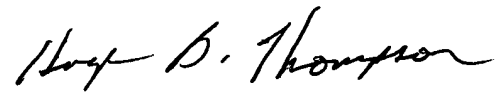
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Du Shane #3,299,575, Banner #3,386,208, Offterdinger #4,006,513, 4,353,186, Adams #4,639,970, An # 5,860,189, and Hope #5,960,605 are cited to teach corner brackets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications, (703) 746-3641 for drafts, and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, reading "Hugh B. Thompson". The signature is written in a cursive, flowing style.

Hugh B. Thompson  
Art Unit 3634  
August 5, 2003